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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/357,175 07/19/99 MILEOS

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EXAMINER

DELUCA, J

PHILIPPE BENNETT, ESQ.  
COUDERT BROTHERS  
1114 AVENUE OF AMERICAS  
NEW YORK NY 10036

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 01/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/357,175

Applicant(s)

MILEOS ET AL.

Examiner

Jerome A. DeLuca

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,9,10,15-31,33,35-37,42-57 and 61-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,10,15-31,33,35-37,42-57 and 61-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

Claims 61 and 68 are objected to because of the following informalities: the subheadings within the claims should be lettered rather than numbered to reduce confusion with claim numbers and to be more consistent with previous claims. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 56 and 61-68 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose a parallelogram linkage as claimed in claim 56, a crank and slider joint as claimed in claim 61, or an embodiment in which the second end of the linkage is connected to the mounting member solely by the second pivot connection as claimed in claim 68.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-10, 24-25 and 61-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9, line 3, "the first face" lacks antecedent basis. In claims 24 and 25 language should be added relating these claimed features to the "means for attaching" claimed in claim 1, line 2.

Regarding claims 61 and 68, the limitations "relatively upper link" (claim 61, line 6) and "relatively lower link" (line 7) are indefinite. See also claim 68, line 6. The modifier 'relatively' should be deleted from these limitations.

In claim 61 it is unclear whether the base is being claimed. The preamble indicates that it is not claimed, but the phrase "attached to said base" (line 9) indicates that the base is being claimed in combination with the mounting mechanism. Correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-5, 7, 16, 17, 19-23, 27-31, 33, 43, 44, 46-50, 54-57, 61-64 and 66-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Russell (US 5,292,097).

Russell shows in Figs. 17-21 an auxiliary shelf mechanism comprising an articulating arm mechanism comprising a mounting bracket 13, upper arm 16, side arm 15, and shelf bracket 14, all connected by first, second, third and fourth pivot points, and side arm 15 may pivot and reciprocatingly move relative to the fourth pivot point 30. Also shown is a stopping means having a concave stopping surface 35 facing and capable of contacting the rear surface 36 of the side arm 15. When the side arm 15 slides relative to the fourth pivot point 30, the upper and side arms will necessarily be moved slightly out of parallel with one another. Frictional grooves 35, 36 of Fig. 20 and the interconnecting projections/teeth 35, 36 Fig. 17 fully respond to the 'fixing means' and 'locking mechanism' of claims 16, 17, 43, and 44. The stopping means includes angled surfaces. No portion of the mechanism extends below the bottom of shelf 14.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Cotterill (US 5,707,034).

Russell does not show two side arms and two stopping means, but Cotterill shows a similar device (Figs. 5 and 6) in which two stopping means 56 and two arms 47 are provided for engaging them, the stopping means connected via a bracket 41, 42, 49. It would have been obvious to a person having ordinary skill in the art to have modified Russell's device by providing two side arms and stopping means in order to provide symmetric, stable support as taught by Cotterill and as was generally known in the support arts.

Claims 15, 24, 25, 42, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Anstey (US 4,632,349).

Russell does not show the pivot points to comprise rods, rotating means or a mounting track, but Anstey shows it was known in the art to connect the side arms with rods. It would have been obvious to a person having ordinary skill in the art to have used rods as pivot points as taught by Anstey and as was generally known. Further, the use of bolts as rods is well known and it would have been obvious to a person having ordinary skill in the art to have used a bolt as the fourth pivot point to simplify attachment and removal as was generally known in the art. Anstey also shows it was conventional to mount such keyboard supports to a desk via a track 51 and rotating means 57, and it would have been obvious to modify Russell's device by providing a track and rotating means in order to allow a user to adjust to preferred positions as taught by Anstey.

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Claims 18, 45 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of McConnell (US 5,257,767).

Russell does not show a locking knob or a coil spring, but McConnell shows it was known to lock pivoting joints via a locking knob 70 and to bias keyboard supports via a coil spring 72. It would have been obvious to a person having ordinary skill in the art to have included a locking knob and a coil spring as claimed to better secure and support the mechanism as taught by McConnell.

Claims 26 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Cotterill as applied to claims 9, 10 and 35-37 above, and further in view of Anstey.

Russell's modified device does not disclose rotating means or a mounting track, but Anstey shows it was conventional to mount such keyboard supports to a desk via a track 51 and rotating means 57, and it would have been obvious to further modify Russell's device by providing a track and rotating means in order to allow a user to adjust to preferred positions as taught by Anstey.

**Conclusion**


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mileos et al. (US 5,924,664)  
Liu (US 6,027,090)  
Choy et al. (US 6,116,557)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome A. DeLuca whose telephone number is (703) 308-3271.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JAD *JAD*  
January 18, 2001

  
RAMON O. RAMIREZ  
PRIMARY EXAMINER  
ART UNIT ~~355~~3632